UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

## COVER SHEET

# RECORD OF PROCEEDING

This is a permanent record of the Immigration and Naturalization Service. Any part of this record that is removed MUST BE RETURNED after it has served its purpose.

#### **INSTRUCTIONS**

- Place a separate cover sheet on the top of each Record of Proceeding.
- 2. Each Record of Proceeding is to be fastened on the inner left side of the file jacket in chronological order.
- 3. Any person temporarily removing any part of this record must make, date, and sign a notation to this effect which is to be retained in this record, below the cover sheet. The signer is responsible for replacing the removed material as soon as it has served its
- 4. See AM 2710 for detailed instructions.

M-175 (Rev. 10-20-69)

6P0 883-533

memo to the File	0
Lennon, John A17-597-321 Lennon, yoko Omo (b)(6)	Nexember 16, 197
Lennon, yoko Ono	
(b)(6)	

I-129 h rusa petitions requesting H-1 status was submitted on Alexander 14,1971 by W.F. Productions of 240 West 44 th Steel New york, N.y. in behalf by the Lennons to appear on the Wariel Frast Show". They are to tape the show at 6:00 PM on Neember 16,1971.

Mr. Ale Spirack, assistant District Director, Travel Control and Mr Sol Morks, Mistrict Director, Newyork were admised that the risa petitions and requests to Change nonimigrant states for both the Lennons were received in this office. Mr. Marks requested that Mr. Sam Bernson he advised of the Request. I telephonically Contacted C.O. and spoke with Mr. Lehmann, Cadvising him of the risa petition and the I-504 applications.

Mr. Lehmann authorized the approval of the I-129 h (H-1) for both subjects and declined processing of the regulate for Change of status (T-506 applications) in order to avoid restoration to B-2 status which involves the processing of another I-506 application.

Both I-94's of the subject were notated recording the approval of the I-129 b for the toping of the show.

Ver Lehman felt that yoks one should be chassified as H-1 in that she is considered an artist and is appearing as a team with her spause John Kennon.

Supervisory Immigiant Dispectar New Grock N.y. PAGE WITHHELD PURSUANT TO (b)(5)

#### IMMIGRATIC IDGE HEARING WORKSHEET AND MEMORA! File No. A. 17597 Respondent or Applicant JOHN WINSTIN FENNON Trial Attorney Recorded by Address (Name of Stenographer or Make of Machine) Counsel or Representative LEON WILDES Language ENG DEPORTATION HEARING Deportability Contested Not Contested OSC charge \_ ☐ Sustained Not Sustained Not Sustained ■ Sustained Lodged\_ Application \_ Deportation country: 243(h) requested as to \_\_\_ ■ EXCLUSION HEARING Application \_ Country of birth\_\_\_ I&N Act Sec. 212(a)( ) Excludable Not Excludable Grounds: 1. I&N Act Sec. 212(a)( ) Excludable Not Excludable **BOND PROCEEDINGS** Application\_ PROCEEDINGS COMMENCED ON Adjourned to Adjourned to Adjourned to COMPLETED ON 245 arastel DECISION: Written (Date) (Date) Appeal by Alien ☐ Trial Attorney due \_\_\_ Brief due \_ \_\_\_\_ Extended to Order Final Appeal Reserved Form I-296 Served Transcribe Hearing Transcript to Attorney Certified to BIA Serve Decision Info copy of oral decision REMARKS: Documents To Be Submitted DUE Character affidavits Financial Statement Other Character Inv. Police Certificate

Proof of Residence

Form 1-167 (REV. 6-1-73)N

**Employment Statement** 

STENOGRAPHIC OR REC	CORDING MACHINE RECORD
File No. 17 595 321	Date 7/27/76.
In the case of	
Stenographer	No. of records enclosed
Decision of SIO 245 grant	*
☐ Transcribe decision only	Detained
☐ Transcribe complete record	Not detained — give priority
Extra copy required — criminal	☐ No priority
Extra copy required — expert witness	
Exhibits enclosed	Examining Officer's name (when used)
	SPECIAL INQUIRY OFFICER
Transcribed on	BySTENOGRAPHER

Form G-644 (7-1-75)

UNITED STATES DEPARTMENT OF JUSTICE - Immigration and Naturalization Service

UNITED STATES GOV

1emorandum

IMMIGRATION JUDGE Fieldsteel

WILLIAM H. COOK, ASSISTANT DISTRICT DIRECTOR

FOR TRAVEL CONTROL

SUBJECT: John Window Lennon, A17597321

SECTION 245 APPLICATION HAS BEEN PROCESSED. HAVE BEEN OBTAINED AND ARE FORWARDED HEREWITH.

IF VISA NUMBER IS NOT USED PROMPTLY, PLEASE NOTIFY THIS UNIT SO THAT NUMBER MAY BE CANCELLED AND RETURNED TO THE VISA CONTROL OFFICE.

SUBJECT HAS NO CRIMINAL ARREST RECORD.

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- JOHN WINSTEIN ONO LENNON.

1. WEST 72nd ST. N.Y. N.Y. 10023

INSTRUCTIONS FOR MEDICAL EXAMINATION

A medical examination is necessary as part of your application for adjustment of status to permanent resident. If you have reached your fifteenth birthday you must IMMEDIATELY obtain and bring with you when you appear for your medical examination a serology report and 14" x 17" chest X-ray film with a reading by a licensed physician interpreting the X-ray film. The serologic test must be performed by a laboratory approved by a state or local health department. The X-ray film and serologic test for syphilis may not be more than 90 days old. YOUR MEDICAL EXAMINATION CANNOT BE COMPLETED WITHOUT THE (1) SEROLOGIC REPORT, (2) X-RAY AND (3) READING OF THE X-RAY FILM.

Please note, also the boxes checked below with regard to your medical examination.

Please obtain your serologic report. X-ray film and reading promptly. You may telephone your state or local Health Department for the name of an approved laboratory where you may obtain these. Bring them and copies of this letter with you when you appear for examination by a physician of the U.S. Public Health Service for which an appointment has been made at the place and date indicated below:

ADDRESS:

DATE

TIME

Flease communicate immediately with the below fisted physician or with one of the physicians on the attached fist. If a list is attached, (1) to ascertain what arrangements you should make to obtain a serologic report, X-ray film and reading prior to your medical examination, and (2) to arrange for your medical examination by him, which must be completed before.

PHYSICIAN'S NAME, ADDRESS, AND TELEPHONE NUMBERS

Please show this letter to any laboratory performing tests. Also present the copies of the letter to the physician performing the medical examination, and furnish him with your signature written in his presence for inclusion with his report.

#### TO PHYSICIAN PERFORMING THE EXAMINATION

PLEASE OFTAIN THE APPLICANT'S SIGNATURE IN THE SPACE PROVIDED AND MEDICALLY EXAMINE HIM FOR ELIGIBILITY FOR ADJUST-MENT OF STATUS. IF THE APPLICANT IS FREE OF MEDICAL DEFECTS LISTED IN SECTION 212 (A) OF THE IMMIGRATION AND NATIONALITY ACT, ENDORSE THIS COPY OF FORM 1-486A IN THE SPACE PROVIDED AND HAND IT TO THE APPLICANT IN A SEALED ENVELOPE FOR PRESENTATION AT HIS IMMIGRATION INTERVIEW. IF THE APPLICANT IS NOT FREE OF SUCH MEDICAL DEFECTS, DO NOT SIGN THIS FORM; INSTEAD WRITE "SEE FS-398" IN THE PHYSICIAN'S SIGNATURE BLOCK AND PREPARE MEDICAL CERTIFICATE ON FORM FS-398 AND HAND IT TO THE APPLICANT IN A SEALED ENVELOPE TOGETHER WITH THIS COPY OF FORM 1-486A FOR PRESENTATION AT HIS IMMIGRATION INTERVIEW. (IF EXAMINATION IS CONDUCTED BY A CIVIL SURGEON, INSERT IN ENVELOPE BOTH COPIES OF FORM 1-486A; X-RAYS AND LABORATORY REPORTS; AND TWO COPIES OF FORM FS-398 IF APPLICANT IS NOT FREE OF MEDICAL DEFECTS.)

<u> </u>		DISTRICT DIRECTOR
SIGNATURE OF APPLICANTS	OCY REPORT (BLOOD TEST) RELYE	PENALTY: THE LAW PROVIDES SEVERE PENALTIES FOR KNOWINGLY AND WILFULLY FALSIFYING OR CONCEALING A MATERIAL FACT OR USING ANY FALSE DOCUMENTS IN CONNECTION WITH THIS APPLICATION.
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## UniTED STATES DEPARTMENT OF JUS. LE IMMIGRATION AND NATURALIZATION SERVICE

#### Processing Sheet

Application or Petition Form No. 1-485	1	File No. <u>4175</u>	97 321
NAME TOAN WINSTON LENNON THIR!) PREFERENCE PRIORITY DATE			
NON PREFERENCE PRIORITY DATE	T	Dunk	ep
DOCUMENTS TO BE SUBMITTED	DUE DATE	RECEIVED	REMARKS
PASSPORT			
1-94			
BIRTH CERTIFICATE OF CHIFT			
MARRIAGE CERTIFICATE			
EMPLOYMENT RECORD			
BANK STATEMENT			
SELECTIVE SERVICE			
TAX RETURN STATEMENT			
SERVICE PROCESSING:		SUBMITTED	RECEIVED
MEDICAL EXAMINATION 5-	24.76		
G-325A (1) F.B.I. Identification I		<u> </u>	•
(4) CONSUL London			
	5/24/76 V		
SPECIAL INSTRUCTIONS			
			•
· ·	SPE	CIAL INQUIRY OF	TCER .

This form may be overprinted or stamped to show instructions, items requested, items received, or other pertinent data which may facilitate processing.

Keep this sheet on top of all material in file until initial decision is made

Form I-468 (Rev. 11-1-70)

# 'NITED STATES DEPARTMENT OF JUSTIC' UNAUGRATION AND NATURALIZATION SERVICE HOW YORK, HOW YORK

ne of Beneficiary		File No.	Date of Notice
John Vinsten LIM	NCM .	A17 597 321	May 2, 1972
entry of birth	Occupation	Date Petition Filed	
Ingland	Composer(Musician)	March 6, 1972	}
cation is valid and unexpire ciary's intention to engage classification there is no c	of a petition for third or sixth preference classical provided in the case of a petition for third print in the indicated profession, art or science, and the petition in the respective intentions of the petition capacity indicated in the petition.	preference classification ther d provided in the case of a p	e is no change in the benef
States Consulate at the petition. This Serv United States Consul	ice has nothing to do with the actual who is under the jurisdiction of the	This completes all issuance of visas. Visu.S. Department of Str.	action by this Service as are issued only by ate. Under the law only
in the chronological or turn is reached on the	as may be issued by that Department rder in which petitions were filed for visa waiting list, the United States (corning visa issuance should be address neerning visa issuance.	r the same classification Consul will inform him	a. When the beneficiar, and consider issuance
in the chronological or turn is reached on the the visa. Inquiry conce answer any inquiry con The petition has been a apply to become a law should be completed a	rder in which petitions were filed fo visa waiting list, the United States ( erming visa issuance should be address	or the same classification consul will inform him sed to the Consul. This beneficiary is in the application for this ecordance with the inst	and consider issuance Service will be unable United States and w purpose (Form I-48
in the chronological of turn is reached on the the visa. Inquiry conce answer any inquiry con- The petition has been a apply to become a law should be completed a in. (If the beneficiary that form.)	rder in which petitions were filed for visa waiting list, the United States (serning visa issuance should be address neerning visa issuance.  Approved. The petition states that the ful permanent resident. The enclosed and submitted by the beneficiary in a	or the same classification.  Consul will inform him sed to the Consul. This beneficiary is in the application for this ecordance with the instantial which was returned to informed of the decision.	and consider issuance Service will be unable United States and w purpose (Form I-48 ructions contained ther him, he should resubn
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in the chronological of turn is reached on the the visa. Inquiry conceanswer any inquiry conceans the petition has been application to become a apply for adjustment available; therefore, the resident. The beneficiary	rder in which petitions were filed for visa waiting list, the United States (cerning visa issuance should be address incerning visa issuance.  Approved. The petition states that the ful permanent resident. The enclosed and submitted by the beneficiary in a had previously submitted Form I-485.  Approved. The beneficiary will be in a lawful permanent resident (Form I-485) approved. The petition states that the of status to that of a lawful permanent be beneficiary may not apply for address that the beneficiary may not apply for address that the visa lawful permanent perma	the same classification closul will inform him sed to the Consul. This beneficiary is in the application for this ecordance with the institution which was returned to informed of the decision 485).  The beneficiary is in the cent resident. A visa magnitude of status to the terning his stay in the cerning his stay in the	and consider issuance Service will be unable  United States and w purpose (Form I-48 ructions contained them him, he should resubned to made on his pending that of a permaner that of a permaner that of a permaner.

CHECK THIS BOX WHEN COPY MAILED TO ATTORNEY OR REPRESENTATIVE. FILE COPY

#### RIDER TO FORM G-325A

RE: JOHN WINSTON ONO LENNON
Social Security #127-52-1582

Self-employment was in connection with the following corporations:

Apple Corps, Limited
Maclen (Music) Limited
Lennon Productions Limited
Bag Productions, Limited
Joko Films, Limited
Ono Music, Limited
Subafilms, Limited
Apple Films, Limited
Apple Publishing, Limited
The Beatles, Limited

Lennon Productions, Inc.
Joko Films, Inc.
Bag Music Productions, Inc.
Yoko Ono Projects, Inc.
Ono Music, Inc.

to Lennon Music
1370 Gh De.

JOHN WINSTON ONO LENNON

cho Barry E. Michols
Author, Young, McClelland, Moore GoMorhouse, London Wall
Lordon- EC 29 5/41)

Form Approved OMB No. 43-R436

FORM Q-325A (REV. 10-1-74) Y

## UNITED STATES DEPARTMENT OF JUSTICE Immigration and Naturalization Service

#### BIOGRAPHIC INFORMATION

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#### UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

527 F(2) 187

No. 18-September Term, 1975.

(2me; 1875)

(Argued September 4, 1975

Decided October 7, 1975.)

Docket No. 74-2189

JOHN WINSTON ONO LENNON,

Petitioner,

IMMIGRATION AND NATURALIZATION SERVICE,

Respondents.

Before :-

KAUFMAN, Chief Judge, MULLIGAN AND GURFEIN, Circuit Judges.

Petition to review an order of the Board of Immigration Appeals directing deportation of John Lennon and denying his application for adjustment of status.

Reversed and remanded with instructions.

NATHAN LEWIN, Esq., Washington, D.C. and LEON WILDES, Esq., New York, N.Y., for Petitioner.

MARY P. MAGUIRE, Special Assistant United States Attorney (Paul J. Curran, United States Attorney, S.D.N.Y., and Mel P. Barkan and Naomi Rice Buchwald, Assistant United States Attorneys, of counsel), for Respondent.

139

JACK WASSERMAN, ESTHER M. KAUFMAN, DONALD L. UNGER, and MARK A. MANCINI filed a brief for the Association of Immigration and Nationality Lawyers as amicus curiae urging reversal.

#### KAUFMAN, Chief Judge:

We have come a long way from the days when fear and prejudice toward alien races were the guiding forces behind our immigration laws. The Chinese exclusion acts of the 1880's and the "barred zone" created by the 1917 Immigration Act have, thankfully, been removed from the statute books and relegated to the historical treatises. Nevertheless, the power of Congress to exclude or deport natives of other countries remains virtually unfettered. In the vast majority of deportation cases, the fate of the alien must therefore hinge upon narrow issues of statutory construction. To this rule, the appeal of John Lennon, an internationally known "rock" musician, presents no exception. We are, in this case, called upon to decide whether Lennon's 1968 British conviction for possession of cannabis resin renders him, as the Board of Immigration Appeals believed, an excludable alien under §212(a)(23) of the Immigration and Nationality Act (INA), 8 U.S.C. §1182 (a) (23), which applies to those convicted of illicit possession of marijuana. We hold that Lennon's conviction does not fall within the ambit of this section.

I.

To provide the necessary context for decision in this case, an overview of the factual background is appropriate.

On October 18, 1968, detectives from the Scotland Yard drug squad conducted a warrantless search of Lennon's

apartment at 34 Montague Square, London. There, the officers found one-half ounce of hashish inside a binocular case and thereupon placed Lennon under arrest. Lennon pleaded guilty to possession of cannabis resin in Marylebone Magistrate's Court on November 23, 1968; he was fined £150.

On August 13, 1971, Lennon and his wife Yoko Ono arrived in New York. They had come to this country to seek custody of Mrs. Lennon's daughter by a former marriage to an American citizen.

It was at this point that the Lennons first met with the labyrinthine provisions of the Immigration and Nationality Act which were to result in the deportation proceedings which we review. Accordingly, a brief description of the relevant portions of that Act is here in order.

INA \$212(a), 8 U.S.C. \$1182(a), lists thirty-one classes of "excusable aliens" who are ineligible for permanent residence, and, indeed, are (with the exception provided by \$212(d)(3)(A)), unable to enter this country at all. This portion of the Act is like a magic mirror, reflecting the fears and concerns of past Congresses. Among those excludable is

any alien who has been convicted of a violation of ... any law or regulation relating to the illicit possession of ... marihuana (§212(a)(23))

Section 212(d)(3)(A) permits the INS, in its discretion, temporarily to waive excludability and to admit the alien under a temporary non-immigrant visa. When this visa expires, the alien must leave or face deportation. INA §241(a)(2), 8 U.S.C. §1251(a)(2). At any time after admission, however, the alien may petition for permanent

<sup>1</sup> It is unnecessary to discuss the facts underlying Lennon's conviction in greater detail since they are not relevant to our decision. See note 17, infra.

resident status. INA §245(a), 8 U.S.C. §1255(a). This application can be, in effect, a challenge to his classification as an excludable alien.

Since Lennon's conviction appeared to render him excludable, the INS specifically waived excludability under §212(d)(3)(A). The Lennons were then given temporary visas valid until September 24, 1971; the INS later extended the expiration date to February 29, 1972.

The day after Lennon's visa expired, March 1, Sol Marks, the New York District Director of the INS, notified the Lennons by letter that, if they did not leave the country by March 15, deportation proceedings would be instituted. On March 3, Lennon and his wife filed third preference petitions. In response to these applications, the INS instituted deportation proceedings three days later. The INS, for reasons best known to them, did not act on the applications, and the Lennons were therefore unable to apply for permanent residence. After waiting two months, the Lennons filed suit in the Southern District for an injunction compelling the INS to rule on their petitions. Lennon v. Marks, 72 Civ. 1784. At oral argu-

A third preference petition is a preliminary application under INA §245, 8 U.S.C. §1255, for permanent residence. An alicn admitted under a temporary visa must secure an immigrant visa before applying for permanent residence. §245. Visas are allocated on a quota system which gives preference to several groups, one of which, the "third preference", is given to "qualified immigrants who . . . because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States." INA §203(a)(3), 8 U.S.C. §1153(a)(3). In order to receive this preference, the alien must file a petition with the INS: 8 C.F.R. §204.1(c). He cannot apply for permanent residence until this petition has been approved. 8 C.F.R. §245.2(2).

<sup>3</sup> This case was one of three actions instituted by Lennon in the Southern District during the course of these prolonged proceedings. For the purpose of clarity we list these actions at this point, although we discuss them in greater detail below:

ment in that case, Marks advised the judge that the INS would consider the applications; they were approved within the hour.

In March, April, and May, 1972, deportation hearings were held before Immigration Judge Fieldsteel. On May 12, 1972, ten days after the INS finally approved their petition for third preference status, the Lennons applied to the Immigration Judge for permanent residence.4 During the hearing, letters from many eminent writers, artists, and entertainers, as well as from John Lindsay, at that time the Mayor of New York, were submitted to show that, were the applications approved, the Lennons would make a unique and valuable contribution to this country's cultural heritage. The Government did not challenge Lennon's artistic standing, but instead contended that his 1968 guilty plea made him an excludable alien, thus mandating the denial of his application. Lennon countered by arguing that he was not excludable under §212(a)(23) since he had not been convicted of violating a law forbidding illicit possession. Under British law, Lennon urged, guilty

Lennon v. Marks, supra, instituted in May 1972, was a suit for an injunction compelling the INS to act on Lennon's third preference petition, which the INS had pigeonholed. The suit became most when the INS granted the petition.

<sup>2.</sup> Lennon v. Richardson, 73 Giv. 4476, instituted in October 1973, was an action brought under the Administrative Procedure Act, 5 U.S.C. §522, to obtain INS records detailing the INS procedure of granting of "nonpriority status" to otherwise deportable aliens. The INS mooted this action by providing copies of 1,863 case files of aliens accorded nonpriority status.

<sup>3.</sup> Lennon v. United States, 73 Civ. 4543, instituted in October 1973, was a suit to enjoin Lennon's deportation on the grounds that he had been singled out for deportation because of his political beliefs. This action is still pending.

<sup>4</sup> Since deportation proceedings had been commenced, Lennon was required to make the application directly to the Immigration Judge. 8 C.F.R. §242.17(a), §245.2(a)(1).

knowledge was not an element of the offense. Lennon further argued that, by commencing deportation proceedings while he was seeking custody of his wife's child,<sup>5</sup> the agency had violated its hitherto invariable practice and therefore had abused its discretion.<sup>6</sup>

The Immigration Judge filed his decision on March 23, 1973. Since Yoko One had obtained permanent resident status in 1964, he granted her application. But, because he believed that Lennon was an excludable alien, the Immigration Judge denied his application and ordered him deported. The Immigration Judge also held that it was not within his province to review the Director's decision to begin deportation proceedings.

Lennon sought review of the Immigration Judge's decision before the Board of Immigration Appeals. He also began a collateral action in the Southern District in which he sought to enjoin his deportation. He was deserving of this relief, he contended, since the District Director

144

The custody fight was—and is—unresolved. The District Court of the Virgin Islands awarded custody of Mrs. Lennon's daughter by her prior marriage to the Lennons in September 1971, Cox v. Cox, Civ. 20-1959, off'd 457 F.2d 1190 (1972), but Mrs. Lennon's former husband fied to Items with the child. A Texas court gave the Lennons custody, but limited its exercise to the territorial limits of the United States. Cox v. Lennon, Court of Domestic Relations, Harris County, Texas, No. 876, 663 (1973). Mr. Cox, however, once again promptly absconded with the child.

Bichardson, supra, the INS produced records of 1,863 deportable aliens against whom deportation proceedings had not been instituted. Of these, more than 150 involved narcotics convictions. Many aliens granted such convicted of murder or rape, and one was described in his file as "an admitted heroin addict" who was reputedly one of the "largest suppliers of marijuana and narcotics in the area." This unsavory alien was not deported because his wife and child were United States citizens. Lemon's child was, of course, an American citizen and, during the residence status in 1964, while married to her first husband.

and the Immigration Judge had prejudged his case. The INS had, he said, instituted deportation proceedings because they feared he might participate in demonstrations that would be highly embarrassing to the then-existing administration. In January, 1975, Judge Owen denied a government motion for summary judgment. Lennon v. United States, 387 F. Supp. 561 (1975).

Meanwhile, on July 10, 1974, the Board filed its decision. The Board conceded that \$212(a)(23) does not exclude aliens convicted of possession under laws which make knowledge immaterial to the offense. However, the Board concluded that

a person who was entirely unaware that he possessed any illicit substance would not have been convicted under the [British] Dangerous Drugs Act of 1965. (p. 25)

The Board also held that it was without jurisdiction to consider Lennon's claim that he was improperly denied nonpriority status. Accordingly, the Board concluded that Lennon was ineligible for permanent residence and affirmed the Immigration Judge's deportation order.

It is within the context of these issues that we must decide the merits of this appeal. INA §212(a), 8 U.S.C. §1182(a), provides:

[T]he following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States . . . . (23) Any alien who has been convicted of a violation of, or conspiracy to vi-

After oral argument was heard on this appeal, the INS on September 23, 1975, accorded Lennon "nonpriority status", which is, in effect, an informal administrative stay of deportation. The deportation order, however, remains in effect suspended, and may be executed at any time. The grant of nonpriority status, moreover, does not affect the Board's holding that Lennon is ineligible for permanent residence.

olate, any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marihuana....

The Immigration Judge and the Board of Immigration Appeals believed that Lennon's 1968 conviction made him excludable under this section. We are of the view that it did not. We base this result upon our conclusion that (A) Lennon was convicted under a law which in effect makes guilty knowledge irrelevant and that (B) a foreign conviction for possession of marijuana under such a law does not render the convicted alien excludable.

#### A. Lack of Knowledge Requirement under British Law in 1968

The language of the British statute under which Lennon was convicted is deceptively simple: "A person shall not be in possession of a drug unless . . . authorized . . . . "But, around this concise provision, judicial interpretation has created a scholastic maze as complex and baffling as the labyrinth at Knossos in ancient Crete.

The most authoritative judicial pronouncement on the knowledge requirements of the British act is Warner v. Metropolitan Police Commissioner, [1969] 2 A.C. 256, [1968] 2 All E.R. 356. The facts in that case were relatively simple. The luckless Warner was stopped by police while he was driving his van. Inside a box in the back of the vehicle, police found twenty thousand amphetamine tablets. Warner claimed ignorance; he had, he said, been given the parcel by a friend who had told him that it contained perfume, which Warner sold as a sideline. The House of Lords was called upon to decide whether Warner

<sup>8</sup> Section 3, Dangerous Drugs (No. 2) Regulations. Anyone who violates these regulations is made guilty of a criminal offense by §13 of the Dangerous Drugs Act 1965.

#### APPLICATION FOR STATUS AS PERMANENT RESIDENT

FEE STAMP	11.15	1		321751		
		·	APPLICATION FO	R THE BENEFIT	S OF SECTION:	
	- M	A) (18 1970	203(a)(7) and 5	Sec. 245, I&N Act	<b>△</b> 245	
		978			249 I&N A	Act
	N <sub>is</sub> 1	<i>[</i> ]	[] Sec. 214(d), [&	N Act		;
		1	Sec. 13, Act of	9/11/57		
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(DO NOT WRITE ABOVE THIS LINE.) ANSWER FULLY ANY QUESTION ON THE CORRESPONDING QUESTION. FIL	us form,	USE A SEPARATE S	HEEL AND IDENTIF	Y EACH ANSWER	WITH THE NUMB	SER OF
1. I hereby apply for the status of a lawfu	permanen	t resident alien on th	e following basis: (C	heck box A. B. C.	D, E or F)	
An immigrant visa is immediately ava	Ī.,			• •		•
A. As a refugee (Section 203(a						
B. As a former fiancee or fiance of such fiancee or fiance (S	e of a U.S	citizen whom I marr	ied within 90 days aft	er my arrival in th	e United States, o	ras a child
C. As a former government offi			ediate family of such	official (Section	3, Act of Septemb	er 11, 1957).
D. X As a person to whom an imp						
E. As a person who has reside						
F. As a person who has reside						30, 1948
(Section 249, I&N Act).	a m the o	inter States Courings	and the second	, ==, ., ., ., .,		
2. My name is (Last in capital letters)	(F	irst Name)	(Middle Name)	My alien registr	ation number is S	ex
LENNON John		Winston		A17 597	321	Male
	ot. No.)	(No. and Street)		(City)	(State)	(ZIP Code)
195 Pork Street	1	New York	N.Y.			
	of Birth (6 iverp		ty, Province, or State)		now a citizen of ( England	Country)
5. I last arrived in the United States at th New York, N.Y.	e port of	(City and State)	on (Month) (Day)	(Year) August 1	3. 1971	
by (Name of vessel or other means of t	ravel)	as a (visitor, studen	t, exchange visitor, te			cwman.
TWA 701		parolee, etchisit	or, B-2			
1			United States Consul	at (City) (State)	1.	
was not	Lond	on, England	1		May 19	, 1971
6. I am single married	divor	ced 🗍 widowed			ar.	
a. I have been married two	times, inc	luding my present ma	rriage, if now married	(If you are now	married give the fo	llowing:)
b. Number of times my spouse has been	n married	c. Name of spou				í
three		Yoko	Ono Lennon			<i></i>
d. My spouse resides 🔣 with me	apar	from me at Addre	ss (Apr. No.) (No. & Si	reet) (Town or Ci	ity) (Province or S	tate) (Çountry
West 72265 Bank Str	eet	New York	N.Y. U.S.	<i>y</i>		<u></u>
7. a. I have ONE children, as	follows: (c	omplete all columns	as to each child. If ch	ild lives with you	, state "with me"	in last, column
otherwise give city and state or cou						. <b>u</b>
Name	Sex	Place of Birth	Date of Birth		Now Living at	1
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(step-child) -		itizen				
Scan Bro	M	New YOYK	10191-1	5 W1	h parouts	-4
	<del>  *                                   </del>	4000				
b. The following members of my family	are alen e	pplying for permanen	t tesident status			+-
torrowing memoria or my ramily		Ak-1 B Arimmer				
Miz anaugo						
						•
						<u> </u>
8. I have bave not heretofore			is of a permanent resid	dent. (If you have	e ever filed such a	pp[tcation,
give the date and place of filing and fi	nal dispos	ition.)		<u></u>		
Form I-485 (Paw 7-1-70)N LINITED STA	ERG DEE	A DESIGNATION OF THE				

2101

	have held membership in th nember of any organization,	state **None.**)
M.B.E. (Most Excellent Order of the Bri	tish Empire)	
10. APPLICANTS FOR STATUS AS PERMANENT RESIDENTS MUST ESTABLISH THAT THEY EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN ANY OF THE FOLLOWING UNITED STATES AND ARE THEREFORE INELIGIBLE FOR STATUS AS PERMANENT RES	CLASSES ARE NOT ADMI	UNITED STATES. SSIBLE TO THE
Aliens who have committed or who have been convicted of a crime involving moral turpitude ( who have been engaged in or who intend to engage in any commercialized sexual activity; ali chists, or members of or affiliated with any Communist or other totalitatian party, including a have advocated or taught, either by personal utterance, or by means of any written or printed tion, (i) opposition to organized government, (ii) the overthrow of government by force and vio ment officials because of their official character, (iv) the unlawful destruction of property, (v munism, or the establishment of a totalitarian dictatorship in the United States; aliens who in unlawful activities of a sulversive nature; aliens who have been convicted of violation of an marihuana, or who have been illicit traffickers in narcotic drugs or marihuana; aliens who hav to enter the United States in violation of law; aliens who have applied for exemption or disch Forces of the United States on the ground of alienage and who have been relieved or discharge	ens who are or at any time long subdivision or affiliate to matter, or through affiliation lence, (iii) the assaulting of sabotage, or (vi) the doctrend to engage in prejudicity law or regulation relating the been involved in assistfiating from training or service arge from training or service.	have been, anar- hereof; aliens who n with an organiza- to killing of govern- tines of world com- al activities or to narcotic drugs or ig any other aliens e in the Armed
Do any of the forgoing classes apply to you? [ Yes X No (If answer is Yes, explain)		'.'
		'A
	<b>4</b> .	ช
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11. (COMPLETE THIS BLOCK ONLY IF YOU CHECKED BOX "A", "B", "C" or "D" OF BLO		5
APPLICANTS WHO CHECKED BOX "A" "B" "C" OR "D" OF BLOCK 1 (INCLUDING RE THAT THEY ARE NOT MEMBERS OF ANY OF THE INADMISSIBLE CLASSES DESCRIBED OTHERWISE PROVIDED BY LAW, ALSO ESTABLISH THAT THEY ARE NOT WITHIN ANY CLASSES:	IN BLOCK 10 ABOVE MUS	T, EXCEPT AS
cal defect, disease or disability affecting their ability to earn a living; aliens who are paupe are polygamists or advocate polygamy; aliens who intend to perform skilled or unskilled labor tary of Labor (see Instruction 10); aliens likely to become a public charge; aliens who have I past year, or who at any time have been deported from the United States, or who at any time h Government expense; aliens who have procured or have attempted to procure a visa by fraud of from or remained outside the United States to avoid military service in time of war or national visitors who are subject to but have not complied with the two year foreign residence required Do any of the foregoing classes apply to you?  Yes No III answer in Yes, explosional contents are polygamists.	and who have not been cereen excluded from the Unit are been removed from the lor misrepresentation; aliens I emergency; aliens, who are ment.	tified by the Secre- ed States within the United States at who have departed
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12.		
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I do do not intend to seek gainful employment in the United States. If you intend to state the occupation you intend to follow. Self-employed: composer, n	o seek gainful employment nusician, artis	t.film-
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14. (Complete this block only if you checked b or F of Block 1)	•
A. I first arrived in the United States at (Port) on (Date)	by means of (Name of vessel or other means of travel)
I was was not inspected by an immigration officer.	
	2-1111(6'161
B. I entered the United States under the name (Name at time of entry)	and I was destined to (City and State)
I was coming to join (Name and relation hip)	
C. Since my first entry [ have   have not been absent from the Ut	nited States. (If you have been absent, attach a separate
statement listing the port, date and means of each departure from and r	eturn to the United States.)
15 FT Completed From C 2254 (Picture) 1 1 (1) 1 (1) 1 (1)	1) 1 P. C 2264 (Pic. ask) 1 1 1
I	plered Form G-325A (Biographic Information) is not attached applicant is under 14 years of age.
16. IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS,	, Signature of Applicant:
WRITE YOUR NAME IN YOUR NATIVE ALPHABET BELOW:	$\sim 10.0$
	Jones
	Date of Signature:
17. (Signature of person preparing form, if other than applicant,) I declare that	Address of person preparing form, if other than applicant
this document was prepared by me at the request of the applicant and is based on all information on which I have any knowledge.	515 Madison Avenue
	New York, N.Y. 10022
( Kem hr a dita	· ·
Jem Mr Date: 17/1/2	Occupation:
(Application not to be signed below until applicant appears before an officer	
I,, do swear (affirm) tha	t I know the contents of this application subscribed by me includ-
ing the attached documents, that the same are true to the best of my knowledge	
at my request, and that this application was signed by me with my full, true na	
	(Complete and true signature of applicant)
Subscribed and swom to before me by the above-named applicant at	127/76
bassensed wild sworn to before the by the above-hamed appricant at 1 11 11 11	
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INSTRUCTIO  Read instructions carefully. Fee  1. APPLICATION.—A separate application must be executed by each applicant. An application in behalf of a cledit under 14 years of age shall be executed by the passent or generalize. Form G-325A (Biographic Information) must be consisted and submitted with each application if the applicant is 14 years of age or older. Fullure to do so oblety action and may search in return of the application. 2. FEE.—A fee of \$25 must accompany each application. Read instructions curretury. Fee will not be refunded. All remittances about he made payable to "Immigration and Naturalization Service, Department of Justice," except in Guam they should be made payable to "Treasures of Guant" and in the Vegin Inhands to "Commissioner of Finance, Virgin Ishands." If you small this application, at such money order our check. DO NOT SEND CASE.	(Signature and title of officer)  NS  will not be refunded.  (3) If you are the spouse or unmarried minor child of a person who has been granted preference classification by the brandgration and Naturalization Service or has apptied for preference classification, and you are claiming the same preference classification, or if you are claiming a pacel immagnant classification at the spouse or unmarried child of a minimar of religion who has been accorded or is senting classification as a special immagnant which the following: For the spouse: Marriage certificate and proof of termination of all prior magnings of each spouse. For the child: Marriage certificate of parents, together with proof of termination of their prior marriages, if such documents have not been submitted by a parent.  (4) If you are a maintenancement foreign government official, a member of
INSTRUCTIO  Read instructions carefully. Fee  1. APPLICATION.—A separate application must be executed by each applicant. An application in behalf of a child under 14 years of age shall be accoupled by the paraset or generate. Form G-2554, (Riegaraphic Information) stute in completed and submitted with each application if the applicant is 14 years of age or older. Failure in do so oblays action and may result in return of the application.  2. FEE.—A fee of \$25 must accompany such application. Read instructions carefully. Fee will not be refunded. All remitteness should be nucle payable to "Immigration and Naturalization Service, Department of Justice," except in Guam they should be made payable to "Treassess of Ganan" and in the Vergin Islands to "Commissione of Finance, Virgin Islands." If you seal with application, stuck stoness order or check, DO NOT SERIO CASH.  3. PRIOTORAPIES.—Vor more submits with this application two obscarants of	(Signature and title of officer)  NS  will not be refunded.  (3) If you are the spouse or unsearried minor child of a person who has been geneted preference classification by the brandgration and Networkstein Service or has applied for preference classification, and you are claiming the same preference classification at the spouse or unservice debit of a minister of religion who has been accorded or is setting charaftection as a special immigrant classification at the spouser or unservice debit of a minister of religion who has been accorded or is setting charaftection as a special immigrant, submit the following: For the spouse: Marriage certificate and proof of termination of all prior magnings of each spouse. For the child: Marriage certificate of present, supplied with proof of termination of their prior macrings, if such december there are the set appearance of their proof of the senting of the proof of the family or sevant of such person, or a treaty trader, the spouse or child of such person, or a treaty trader, the spouse or child of such person or a foreign government representative to an international
INSTRUCTIO  Read instructions carefully. Fee  1. APPLECATION.—A separate application must be executed by each applicant. An application in behalf of a child under 14 years of age shall be executed by the parent or generalise. Form 6-2254, (Biographic Information) study the completed and submitted with each application if the applicant is 14 years of age or aider. Failure to do so delays action and may sensity in return of the application.  2. FEE.—A fee of \$25 must accompany each application. Each introduced. All resultances should be made populse to "immignation and Naturalization Service, Department of Justice," except in Guess they should be made poyable to "Treasses of Gana" and in the Virgin Islands to "Commissioned of Fearms, Virgin Islands." If you said this application, stuck secure or other. DO NOT SERVI CASM.  3. PHOTOLIZAPIS.—You must submit with this application two photographs of yourself takes within 30 days of the date of this application. Then photographs must to 118 by 13 is lockes in size, and the distance from the top of heat to point of	(Signature and title of officer)  (Signature and title of species who has been gravited preference classification by the humaignation and histoantization Service or has applied for preference classification, or if you are claiming apacial intelligence constitution on the spowner or unanceried oldhal of a solution or originar who has been accorded or it senting confification as a special immagnant, submit the following: For the procur: Marriage contificates and proof of termination of all prior segritage of each spown. For the other. Marriage contificate of parents, supporter with proof of termination of their prior macrings; if such documents have not being submitted by a parent.  (4) If you are a manisteningmant foreign government official, a member of the familty or strong government conficial, a member of the familty or strong or a treaty trader, the spown or child of such person or a facility or strong or a manistening to the such person or a latternational cognitication, a member of a familty or strong of or son, you must about a beauty
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INSTRUCTIO  Read instructions carefully. Fee  1. APPLICATION.—A separate application must be executed by such applicant. An application in behalf of a child under 14 years of age shall be executed by the parent or generalise. Form 6-325A (bleggraphic Information) must be considered and submitted with each application if the applicant is 14 years of age or older. Fullure to do so toletys action and may result in return of the application.  2. FEE.—A fee of 325 must accompany such application. Read instructions currefully. Fee will not be refunded. All remittances should be made payable to "insulgastine sor of cases" and as the Vergin falands to "insulgastine sor of sears, and as the Vergin falands to "Consolidation or or check. Do Not SEND CASH.  3. PROFEGRAPHS.—You must submit with this application two photographs of yourself values within 30 days of the date of this application. Then photographs must be 15 by 15 inches in site, and the distance from the top of head to point of this should be approximately 1% inches. They must not be passed on cards or mounted in any way, must be on thin paper, have a light background ad charfy show a front view of year face without hat. Seapshots, group, full-length portraits or wealing machine photographs will not be accepted. Unity crayou or sy proced to avoid possible meditation of the photographs.  The provider of the photographs.	(Signature and title of officer)  (Signature and title of a person who has been gravied preference classification by the hymologiation and homenization Service or has apptied for preference classification, or if you are claiming apacial immigrant chandification at the spower or unascerted obbid of a noisioner or religion who has been accorded or it senting conditions to a special immigrant chandification of the senting conditions of the senting conditions of person of persons, processed or its senting conditions as a special immigrant, submit the following: For the spour: Marriage certificate of persons, seguitar with proof of sentiments of their prior marriages; if such documents have not been submitted by a parent.  (4) If you are a manistemigrant foreign government official, a nonsiber of the familty or such person, or a treaty trader, the spouse or obtain of such person or a foreign government zepassantative to an international cognitional no, a member of a familty or survant of such person, you must absolut Form 1-500, webving all rights, privileges, correspicaes, and immunities which would otherwise accree to you by vieus of such assats.  (5) If you checked box "A" in block 1 of the application, you quast toucouts and attach a single copy of Form 1-590A.  • If you checked box "B" in block 1 of the application, and and your
INSTRUCTIO  Read instructions carefully. Feel  1. APPLICATION.—A separate application must be execused by such applicant. An application in behalf of a clade under 14 years of age shall be executed by the parent or generation. Form G-325A (Biographic Information) struct he completed and submitted with each application if the application and one of edges are time and may result in return of the application.  2. FEE.—A feer of 325 must accordancy are application.  2. The complete of the application of the application.  2. The complete of the application of the application and instructions carriedly. Fee will not be refunded. All remittances also all be tender puyable to "immigration and Neutraliation Service, Department of Justice," except in Cusse they should be made payable to "Treassest of Ganta" and in the Vegin Instanct to "Commissiones of Fennes, Vegin Inheds. If you mail this application, at much encoury order or check. DO NOT SERD CASH.  3. PHOTOLIRAPIS.—You must submit with this application. Then photographs of yourself takes within 30 days of the date of this application. Then photographs unset be 1% by 1% inches in size, and the distance from the top of head to point of chia should be approximately 1% inches. They must not be passed on cards or mounted in any way, must be on thin paper, have a light background, and charry show a front view of year face without hat. Sasphote, group, full-length portraits or wealing machine photographs. He not be accepted. Using crayon or soft pencil to avoid possible meditation of the photographs.	(Signature and title of officer)  (Signature and title of speace who has been gravity are the speace of speace who has been gravity preference classification by the hymologistic and hastanization Service or has applied for preference classification, or if you are claiming apacial immigrant classification at the speace or unservice debid of a ministra or freighest who has been accorded or it senting classification as a special immigrant classification and professional prior segrings of each speace. Natriago certificate and proof of imministration of all prior segrings of each speace. Not she classification as a continuous state of the speace of the
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INSTRUCTIO  Read instructions carefully. Fee  1. APPLICATION.—A separate application must be executed by each applicant. An application in behalf of a child under 14 years of age shall be executed by the pleasest or gamedian. Form G-325A (Biographic Instruction) must be completed and submitting with each application if the applicant is 14 years of age or older. Fullause to do so oblety action and may sensit in return of the application.  2. FEE.—A fee of \$25 must accompany each application. Read instructions carefully. Fee will not be traineded. All remittances about he made payable to 'Insulgation and historianistion Service, Department of Justice," except in Guam they should be made payable to "Treasures of Guants" and in the Veyligh Islands to 'Consoliatione of Finance, Viegla Islands." If you seell other two photographs of yourself takes within 30 days of the date of this application. These photographs must be 1% by 1% inches in site, and the distance from the top of head to point of didn should be approximately 1% inches. They meet not be passed on earths or mounted in any way, must be on thin payer, have a light background, and charrly show a front view of your faces withouts let. Suephion, group, full-length portrains or woulding machine photographs will not be accepted. Using crayon or 501 pencil to avoid possible machinities of the photographa, writs your name lightly on the reverse of the photographs.  4. FINGERPRINTS.—A completed fright-print chart must be submitted by each applicant who is 14 years of age or older. Financeprint charts with instructions for recording your flaggraphs are smallable at any office of the immigration and Naturealization Service. It is important to furnish all information called for on the card.  5. DOCUMENTS  a. General.—All documents must be submitted in the original. If you design to have the original of any of the other documents must be presented at the time of your examination. Each feeding document must be accompanied by a translation outfled by the translates or to	(Signature and title of officer)  (Signature and title of species who has been granted preference classification by the humalgration and humanitation Service or has applied for preference classification, and you are chaining the same preference classification, or if you are clairing special immigrant classification as the spower or unservind oblid of a maintaine of religion who has been accorded or it senting classification as a special immigrant classification and the probe macrings, if such documents the following: For the spower, Martings certificate and proof of immigrants and profession of the senting of the special price significate of passent, supporte with proof of termination of their price macrings, if such documents have not been published by a parent.  (4) If you are a manisteningmant foreign government official, a manibur of the family or sexual of such person, or a their special control of such person or a foreign government representative to an international cogmitaxion, a monetor of a family or sexuant of such person, you must subside Form 1-500A, webring all rights, privileges, correspictors, and immunishes which would otherwise accree to you by virtue of such as a subside such person when the such person of a family or sexuant of such person, you must necessis and attach a single copy of form 1-500A.  (5) If you checked box "A" in block 1 of the application, subsult your marriage certificate if you are the species; if you are the child, subsult year birth partificates and the marriage coertificate if you are the passes; if you are the child, subsult year birth restricts to the third and states continuously shore price to June 30, 1948.  (1) Examples of documents which may be submitted to prove residence to prove you have resident in the United States continuously shower price to June 30, 1948.  (1) Examples of documents which way be submitted to prove residence are: benchrooks, insens, deeds,
INSTRUCTIO  Read instructions carefully. Feel properties of the projection in behalf of a child under 14 years of age shell be executed by the parent or generation. Form G-325A (Biographic Information) must be executed by the parent or generation. Form G-325A (Biographic Information) must be completed and submitted with each application if the application.  2. FEE.—A feer of 325 a must accompany used application. Read instructions curribility. Fee will not be rubunded. All remittances should be made puyable to "Immigration and Naturalization Service. Department of Justice," except in Guam they should be made puyable to "Treassate of Ganan" and in the Virgin Islands to "Commissioner of Finance, Virgin Islands." If you seall this application, struck stoomy order or check. DO NOT SEED CASH.  3. PRIOTICINAFIES.—You must submit with this application. These photographs must be 1/b by 1/b inches in sice, and the distance from the top of head popular must be 1/b by 1/b inches in sice, and the distance from the top of head and charty shown a front view of year face without het. Snepshots, group, full-length portraits or remaining and position of the photographs will not be accepted. Unifor crayout or strip length of the photographs.  4. FINGERPRINTS.—A completed fingerprint chart must be submitted by each application who is 14 years of age or other. Fingerprint chart with instructions for recording your fingerprints are available at any office of the influence of the photographs.  5. DOCUMENTS  a. Greenal—All documents must be submitted in the original. If you desire to have the original of any of the other documents returned, and if copies are by law permitted to be made, you may a knewly photographs carty with instruction and Naturalization, and or or or original of any of the other documents returned, and if copies are by law permitted to be made, upon may a translation original of any of the other documents must be presented at the time of your examination. Each feesing document must photographic and the translation	(Signature and title of officer)  (Signature and title of a person who has been granted preference classification, and you are claiming the same performent classification, or if you are claiming special immigrant changing the same performent classification, or if you are claiming special immigrant changing the same correlated or is setting classification as a special immigrant submit the following: For the spoure: Marriage certifican and proof of normanian of all prior sagnings of each spoure, For the claim: Intering certification of parents, inpetter with proof of termination of their prior marriages, if such documents have not been planning and parent.  (4) If you are a noninconfigural foreign government official, a nonsher of the family or sevent of such person, or a treaty trader, the spouse or obtained of such person, or a treaty trader, the spouse or obtained organization, a member of a family or sevenate of such person, or in the proof of such person, or a treaty trader, the spouse of the family or sevenate of such person, and immunishes which would otherwise secrets to you by virtue of such ansus.  (5) If you checked box "B" in block I of the application, pour must excave and attach a single copy of Form I-590A.  (5) If you checked box "B" in block I of the application, makely your marriage certificate if you are the spouse; If you are the checked box "B" in block I of the application, submit secuences which the process of the application, submit secuences below to help I, 1934, If you have checked box "B". If you have checked box "B". In block I of the application, submit secuences when the process of the application, submit secuences or help to help I, 1934, If you have checked box "B", submit decumentary relation to prove you have resided in the United States continuously since prior to have 30, 1948.  (1) Examples of documents which
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application.

CFO 947-267 Severe penalties are provided by law for knowingly and willfully falsifying or conceating a material fact or using any false document-in the submission of this

consult with the office of the Immigration and Naturalization Service processing your case before departure, since a departure from the United States may result in a denial of your application. If you have not attached the documents called for by the instructions this application will be refurned to you. WARNING: If you contemplate departing from the United States to any country, including Canada or Mexico, before a decision is made on your application,

> adjustment as a nonperference aften. You are considered to be a nonpreference aften if you are not the beneficiary of a currently valid wise petition approved by the immediate applies to you only if: you checked box "Iy" of block I of the application, and you me performing or seek to perform shilled or unskilled labor, and you are seeking adjustment as a nonperference after adjustment as a nonperference after adjustment 10. CERTIFICATION OF THE DEPARTMENT OF LABOR, This instruction

this Service. diate availability of an immigrant vies may be obtained at the nearest office of 9. INDEDIVIE AVAILABILITY OF IMMICRANT VISA.-Information to to

Instruction 8 does not apply to you. If a vies petition is required to emabilish immediate relative or preference status, it must have been approved prior to faing this application.

NOIE: It you checked box "B", "E", or "F" of block I of this application,

o. sussessionates accounting a large statements and seemed of a United States citizen, or if you are the purent aposes or rainou canned child of a United States citizen, or if you are classifiable as an immediate relative; a vies perition must be filed in your behalf unless your United States citizes apours, persent or see or deughter is unable or unwilling to file the perition for a reason other than the cost or inconvenience of doing so. 8 DUNEDNATE RELATIVE AND PREFERENCE ALIENS.-If you are the

NOTE: If you are insligible under any of the foregoing but have resided in the United States continuously slace prior to lune 30, 1948, you may still apply on this form to have a record of lawful admission for permanent rasidence created under section 349, learnignation and Nationality Act. In such case check box " $\mathbb{P}^n$  or " $\mathbb{P}^n$ " of section 249, learnignation and Nationality Act. In such case check box " $\mathbb{P}^n$ " or " $\mathbb{P}^n$ " of

(a) You emissed the United States as a member of the crew of a vessel or already of the crew of a vessel or already in the United States as a member of the crew when you arrived in the crew when you arrived in the construction of the crew of a states of a paroled into the United States following leaperston by a United States immigration officer.

(d) You are or here been an evolunge allow, subject to, but have not compiled with the foreign respection by a United States immigration of the member of the immigration the foreign that of the members are such that are not the members of the members of the immigration of ground in the foreign and the members of the members of the immigration of the section of the requirement. (The ground of the consideration of the consideration of the constant of the requirement.

(a) You were born in any country of the Western Hembsphese on the Islands of Saint Flutze, Miquelon, Cobe, the Dominican Requisible, Haid, Bernauda, the Saint Flutze, Miquelon, Cobe, the Dominican Requisible, Haid, Bernauda, the Behanda and Lesward Lidanda, Trinidada, Bantaca, Israech, and Weshersands and Lesward Inhanda, Trinidada, or bondering on the Carlibean Sea.

Merinique and other British, French, and Weshersands is antitrour was been controlled to the United States of the Carlibean Sea.

In the United States for at least two years; or if you are the Double States of minor unmarried child of such native or clitzen of the United States and were subsequent to Instantised child of such native or clitzen of States or minor unmarried child of such native or clitzen of States or minor unmarried child of such native or clitzen of States and were subsequent to Instant to Instant States and were years of the such that when you are residing in the United States and were subsequent to Instant to Instant States and were states as the subsequent to any on any admitted or period into the United States of the States and were subsequent to Instant to states under the Act of November A. 1966, and you may apply for adjustment of status under the Act of November A. 1966, and you may apply for adjustment on Form Hovember A. 1965, and you may apply for adjustment on Form 1445A. 'V\$81-7

7. [NELIGIBILITY, You are incligible for status as a permanent resident if you shocked box "A" or "D" of block I and:

6. INTERVIEW, When you are requested to appear for interview you will be required to bring with you your banponery entry permit (Form I-94, ARRIVAL DEPARTURE RECORD), and your PASSPORT.

handloid's present address and the beginning and termination dates of your residence at the particular pressions, marriage certificate of present and any previous marriages certificate of present and any provious marriages, and couper, was considered to the particular processes are provided as a processes are during the detect of such processes are duringly and marriages and makes to furnish evidence persons are submitted attenting to residence with them. If any of the persons are submitted attenting to residence with them. If any of the persons are submitted attenting to residence with them. If any of the consons are submitted attenting to residence with them. If any of the consons is the Unable States, whoever the Desire of coefficies of and can rough to the United States. Moreon in the United States where practicable, such affidurits abail be attention of the United States of and can rough for the United States and can rough affidurits abail be admitted as the process of the United States affidured to the United States and can rough to the United States affidured to Inly I, 1934, a record of lawful the values of the United States affidured to Inly I, 1934, it is very important to furnish evidence catabilishing that fact.

knolord's present address and the beginning and termination dates of your

on pyjest gour

(d) The material must be identified as to date, place and name of Published Material—

(a) Copies of material published by or about you may be submitted.

orperatence;
(c) Describe in detail the duties performed, tools used, supervision or describe in detail the duties performed, rough accertised over you and exercised by you. A more statement for exemple that you were employed as a baker is not adoquate; and fixed possible and the table of the affiliativit was agreed.

(a) Identify the afflant, showing the capacity in which he is tretifying;
(b) Give the place and the dates during which you gained your former employers or recognized experts familiar with your work, and must: Affidavits-These must be made by independent sources, such as your

the materine of interpretation among the processing which mainfails standard of membership requiring outstanding achievement as judged by recognized of membership requiring outstanding achievement as judged by recognized (4) Affidavite and Published Material—If your eligibility is based on technical training or specialized experience, documentary evidence supporting the claim should be submitted. The recommended forms of evidence are affidavity or published material. internationally recognized competition for excellence for a specific product or performance or for outstanding schievement; or testify that you are a member in a mainor maintain standards in a mainor of persons or international association of persons which maintain standards (3) Evidence of Exceptional Ability in the Sciences or the Arts-II your eligibility is based upon exceptional ability in the sciences or the state evidence may cestly to the universal acclaim and either mational or international or coorded you; show that you have received a international recognition accorded you; show that you have received a criteria tonal recognition accorded you; show that you have received a international or or internationally recognized price or sawd or won a nationally recognized price or sawd on the procedure or internationally recognized commettion for excellence for a specific product or

to The following documentary evidence of your qualifications must be confidence to a beased in whole or in part of the following documentary evidence of your evidence:

(1) School Accords—If your eligibility is beased in whole or in part on higher educations of extendence at a sectacies of vocational school, affect certified copy of school record. The record must show period of attendence, the sectacies of the work of a trendence.

(2) License or Office of the profession is the county where you permission granted you to practice the profession in the county where you permission granted you to practice the profession in the county where you permission granted you to practice the profession is the first county.

(3) Evidence of Exceptional Ability in the Sciences or the Arts—If your county where we have been found qualified to practice that profession, if a license or other permission is required in that country.

(Information concerning the categories of employment currently listed in Schedules A, B, and C, Part 60, Tide 29, Code of Federal Regulations, may be obtained at principal offices of the Immigration and Naturalization Service).

ing not over automated by the clauses of sieras described in paragraph 10(s) above, you must fill out Porm MA 7-50A in accordance with the instructions for above, you must fill out Porm MA 7-50A in accordance with the instruction of qualifications specified in paragraph (c) below to your employer or prospective employer. He must complete Form MA 7-50B and must send it, with Form MA 7-50A and documentary evidence of your applications, to the local office of the State Employment Service. When and it a certification is issued to your employer, and documentary evidence of your applications, together while the Forms MA 7-50A and the documentary evidence of your qualifications. An 7-50B and the documentary evidence of your qualifications.

has not been surrended by the Secretary of Labor). (a) Submit Form MA 7-5UA with this application if you are a member of a percentile and its description currently listed by the Secretary of Labor on person with exceptional ability in the actences or arts; or if you are qualified and person with exceptional ability in the actences or arts; or if you are qualified and person with exceptional ability in the actence of arts; or if you are qualified and person and in the second of the person of the p

If you are a nonpreference alson performing or scelding to perform work in a category of temployment for which the Secretary of Labor has determined that it is cannot now lesse a certification (as lated in Schedule 8, Part 60, Title 29, Ook of tender Redealings in adjustment of your status under sections NS of the Immigration and Nationality Act, as amended.

To apply for the Secretary of Labor's certification, you must follow this

reletive classification, and you are not a member of one of the classes of "special immigrants" listed in section 101(a)(2)) of the immigrants and Mationally Act, as smended. (The chases of "special immigrants" isclude certain former clitters of the functional commissions, and extrain employees of the United States Government abroad.) If you are a mongreference also who has checked box "D" in-item 1 of this application, and you are a mongreference also who has checked box "D" in-item 1 of this application, and you are performing to seek to perform stilled or medified also poor, you are alloyed to the creation of 12(a)(14) of the immigration and Mationally Act, as amended, of obtaining a certairion from the Secretary of Labor that there are not sufficient workers in the United States who are able, willing, Labor that and available to perform such skilled or markilled labor, and your the latter are not sufficient workers in the United States shullarly simple containing the certain of workers in the United States shullarly simple containing to markilled, and available to perform such skilled or unskilled box, workers in the United States shullarly simple of mapping conditions of workers in the United States shullarly simple slient shull be applied to assisting to perform work in a transition of sine as monpreference also appear and working conditions of workers in the United States shullarly simple also also also appear and workers in the United States shullarly simple also also also appear and the containing to assisting to perform work in a section of the United States and working conditions of workers in the United States and professions also appear and work in a section of the containing to assisting to a solding to be appear to the containing to a solding the containing the contain

### Oppenheim, Appel, Dixon & Co.

**Certified Public Accountants** 

Internationally/Spicer and Oppenheim

One New York Plaza, New York, N.Y. 10004 (212) 422-1000/Telex: 66249/Cable: OPAPDIX Offices and Associates in Principal Cities

July 16, 1976

To Whom It May Concern:

I am a certified public accountant and a partner in the firm of Oppenheim, Appel, Dixon & Co.

John Lennon has filed all tax returns required for federal, state and city purposes in the United States for the period 1972 through 1974. He presently has a valid extension from the Internal Revenue Service until August 15, 1976 in which to file his 1975 tax return. We are preparing this return and if it is available by August 15 will be filed at such time. In the event such return is not available because of missing information, a further extension until October 15 will be requested.

If you have any questions concerning prior years' returns or the status of the 1975 returns, please do not hesitate to contact us.

Very truly yours,

Dune - super

Donald M. Tannenbaum

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### JITED STATES DEPARTM. OF JUSTICE



BOARD OF IMMIGRATION APPEALS Washington, D.C. 20530

FEB 2 0 1976

Leon Wildes, Esquire 515 Madison Avenue New York, New York 10022 LENNON A17 595 321

Reference is made to your interest in the above

For your information, there is enclosed herewith copy of the decision and order of the Board of Immigration Appeals.

Sincerely yours,

David L. Milhollan Chairman

Enclosure

case.

cc: H. Miles Jaffe and Eve Cary, Esquires

Burt Neuborne, Esquire



### United States Department of Justice

#### Board of Immigration Appeals

Washington, D.C. 20530

FEB 2 0 1976

File: Al7 595 321 - New York

In re: JOHN WINSTON ONO LENNON

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT:

Leon Wildes, Esquire 515 Madison Avenue New York, New York 10022

H. Miles Jaffe and Eve Cary, Esquires

New York Civil Liberties Union

84 Fifth Avenue New York, New York 10011

(Amicus Curiae)

Of counsel:

Burt Neuborne, Esquire American Civil Liberties Union

22 East 40th Street New York, New York 10016

CHARGES:

Order: Sec. 241(a)(9), I&N Act (8 U.S.C. 1251

(a)(9)) - Nonimmigrant visitor failed to comply with conditions

of such status

Sec. 241(a)(2), I&N Act (8 U.S.C. 1251

(a)(2)) - Nonimmigrant - remained

longer than permitted

Adjustment of status under section 245, APPLICATION:

Immigration and Nationality Act

#### A17 595 321

This case is before us on remand from the United States Court of Appeals for the Second Circuit. The record will be remanded to the immigration judge for further proceedings.

We last rendered a decision in this matter on July 10, 1974, at which time we found the respondent statutorily ineligible for adjustment of status under section 245 of the Immigration and Nationality Act. Our order of that date has been vacated by the October 7, 1975 decision of the Second Circuit. Lennon v. INS, F.2d \_\_\_, Civ. No. 74-2189 (2 Cir. October 7, 1975). The Second Circuit disagreed with us and held that the respondent was not precluded from receiving section 245 relief, despite his 1968 conviction for possession of cannabis resin in England.

Neither we nor the immigration judge considered the question of whether the respondent should receive a favorable exercise of discretion on his application for adjustment of status. We shall remand the record to the immigration judge for such consideration.

Order: The record is remanded to the immigration judge for further proceedings.

Acting Chairman

Chairman David L. Milhollan and Board Member Irving A. Appleman abstained from consideration of this case.



## United States Department of Instice Board of Immigration Appeals Washington, D.C. 20530

FEB 20 1976

File: A17 595 321 - New York

In re: JOHN MINSTON ONO LENNON

IN DEPORTATION PROCESDINGS

APPRAL

ON BEHALF OF RESPONDENTS

Loom Wildes, Require 515 Medicon Avenue New York, New York 18622

H. Kiles Jaffe and Eve Cary, Magaires Hew York Civil Liberties Union 84 Fifth Avenue Hew York, New York 19911 (Amicus Curice)

Of councel: Burt Houberne, Esquire American Civil Liberties Union 22 Bast 48th Street New York, New York 10016

#### CHARGES:

Order: Sec. 241(a)(9), I4H Act (8 U.S.C. 1251 (a)(9)) - Heminnigrant visitor failed to comply with conditions of such status

> Sec. 241(a)(2), TAN Act (8 U.S.C. 1251 (a)(2)) - Nonimmigrant - remained longer then permitted

APPLICATION: Adjustment of status under section 245, Immigration and Mationality Act



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Order: The record is remanded to the immigration judge for further proceedings.

Acting Chairman

Chairman David L. Milhollan and Board Member Irving A. Appleman abstained from consideration of this case.

Accordingly, the denial of Lennon's application for adjustment of status and the order of deportation are vacated and the case remanded for reconsideration in accordance with the views expressed in this opinion.

## MULLICAN, Circuit Judge, (dissenting):

As the majority opinion observes, Lennon's claim that he is the victim of selective prosecution is an issue not before this court but rather is sub judice in the Southern District, and therefore we cannot appropriately discuss its merits. The sole issue before us is whether Lennon is an excludable alien under INA § 212(a) (23).

That statute would exclude any alien who has been convicted of a violation of any law or regulation relating to the illicit possession of narcotic drugs or marihuana. Since the statute applies to any alien it makes no difference whether he be John Lennon, John Doe or Johann Sebastian Bach. Great Britain has made the possession of cannabis resin (marihuana) without authorization illicit (§ 3, Dangerous Drugs (No. 2) Regulations, under the Dangerous Drugs Act 1965). It is further conceded that Lennon pleaded guilty to the possession of that drug on November 28, 1968 and was fined £150. From these premises one would logically conclude that Lennon should be excluded from the United States.

The majority argues however that § 212(a)(23) should not be interpreted to exclude from this country those who are innocently in possession of an illicit drug. I agree but I cannot agree that Lennon was convicted under a statute which imposes "absolute liability" and makes the knowledge of the defendant "irrelevant." The five opinions in Warner v. Metropolitan Police Commissioner, [1969] 2 A.C. 256, [1968] 2 All E.R. 356, which interpret the British

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statute, are hardly as clear as a mountain lake in springtime but there is a consensus on basic principles.

Lennon claims here that the drugs were concealed in a binocular case in a closet of his apartment and that he had absolutely no idea of their presence. There is the further suggestion that they may have been "planted" by the arresting constable who it is alleged was at the very least overzealous in prosecuting rock musicians. Assuming that Lennon's version of the facts is accurate, it is my view that he could not have been properly convicted in Great Britain of the offense charged.

In Warner Lord Pearce clearly held the view that the Parliament did not intend to impose absolute liability in the Drugs Act of 1965. "It is conceded by the Crown that these words [have in possession] do not include goods slipped into a man's pocket without his knowledge" ([1968] 2 All E.R. at 386). He also quoted with approval the dictum of Lord Parker in Lockyer v. Gibb [1967] 2 Q.B. 243, 248 [1966] 2 All E.R. 653, 655:

In my judgment, it is quite clear that a person cannot be said to be in possession of some article which he or

With respect to the arrest, we have no record before us except the memorandum of the conviction which reveals only the conviction and makes no reference to the amount of cannabis resin discovered or the exact place where it was found. The brief submitted by the American Civil Liberties Union on Lennon's behalf before the Bureau of Immigration Appeals states that the drug was found in three different containers in a closet in Lennon's apartment. Although the majority chides me for discussing the facts, I am accepting them as urged in Lennon's brief before this court. There is no admission by Lennon and no contention by the Government that Lennon knew that the illicit drug was physically present in the closet but that he had no idea that it was cannabis resin. Hence Lord Pearce's aspirin-heroin example relied upon by the majority is not relevant. Moreover, it must be understood in the context of his further comment: "On the other hand, I do not think that Parliament intended to make a man guilty of possessing something when he did not know that he had the thing at all." [1968] 2 All E.R. at 388.